

HOUSE BILL 774  
By McCord

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 14, Part 4 and Title 70, Chapter 4, relative  
to criminal trespass.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-405, is amended by adding the following language as new subsection (d) and by redesignating the remaining subsection accordingly:

(d)

(1) A person who, regardless of his or her intent, enters or remains in or upon premises which are at the time open to the public does so with license or privilege unless he or she defies a lawful order not to enter or remain personally communicated to him or her by the owner of such premises or other authorized person.

(2) A license or privilege to enter or remain in or upon premises which are only partly open to the public is not a license or privilege to enter or remain in or upon a part of the premises which is not open to the public.

(3) A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed does not commit criminal trespass unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person or unless notice is given by posting in a conspicuous manner.

(4) Private land adjoining a railtrail that is neither fenced nor otherwise enclosed shall be presumed to be land where notice against trespassing has

been given by the owner of the land, and a person utilizing the railtrail shall be presumed to lack privilege or license to enter upon that land unless the person has permission from an adjoining landowner to do so.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.